

true where the campaign contributions at issue otherwise comply with federal election laws and regulations. Unlike a bribe that may end up in an official's private bank account (or pocket), a campaign contribution that complies with the technical limitations and reporting requirements of the campaign financing laws has a presumptive – and even an intrinsic – legitimacy, absent specific proof to the contrary.⁷⁴⁶ Courts have long recognized that campaign contributions are an integral part of our electoral system which implicate important First Amendment interests,⁷⁴⁷ and accordingly place paramount importance on the need for clear evidence that contributions allegedly made pursuant to a bribery arrangement be given and received pursuant to a corrupt agreement.⁷⁴⁸

⁷⁴⁵(...continued)

contributions are problematic because persons who hope that their interests will receive favorable treatment from elected officials legitimately may make campaign contributions to those officials); *see also United States v. Brewster*, 506 F.2d 62, 81 (D.C. Cir. 1974) (expressing need for caution in differentiating between legal campaign contributions and bribes, especially where the contribution goes to a *bona fide* campaign committee).

⁷⁴⁶*Brewster*, 506 F.2d at 79-83; *see also DOJ Criminal Resource Manual* at 2045.

⁷⁴⁷The Supreme Court has made clear that the right to make political contributions is protected by the First Amendment. Addressing the constitutionality of the Federal Election Campaign Act in *Buckley v. Valeo*, 424 U.S. 1 (1976), the Court found donations constituted an expression of political support protected on both free speech and freedom of association grounds. However, the Court noted that this right is not absolute, and upheld limits on political contributions. "To the extent that large contributions are given to secure a political quid pro quo from current and potential office holders, the integrity of our system of representative democracy is undermined. . . . Of almost equal concern as the danger of actual quid pro quo arrangements is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions." *Id.* at 26-27.

⁷⁴⁸*See Buckley*, 424 U.S. at 27-28 ("[L]aws making criminal the giving and taking of bribes deal with only the most blatant and specific attempts of those with money to influence governmental action."); *cf. McCormick*, 500 U.S. 257 (1991) (noting that campaign contributions are part of the American political process); *see also Evans v. United States*, 504 U.S. 255 (1992) (continued...)